

**United States District Court  
Northern District of Alabama  
Office of the Clerk**

March 11, 2022

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**In re: Richard S. Byrd vs. Ford Motor Company, Civil Action No.  
3:19-cv-00398-CLS**

Dear Counsel,

I have been contacted by Judge C. Lynwood Smith, Jr., who presided in the referenced action. Judge Smith informed me that it has been brought to his attention that, while he presided over the case, his wife owned Ford Motor Company stock in her IRA account. Her ownership of that stock neither affected nor impacted Judge Smith's decisions in the case. Even so, his wife's ownership of that stock in her IRA account would have required recusal under the Code of Conduct for United States Judges. Accordingly, Judge Smith directed that I notify you of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

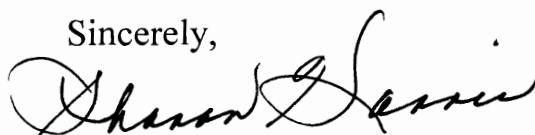
Even though Advisory Opinion 71 contemplated disqualification after oral arguments in a Court of Appeals, the Committee explained that "[s]imilar considerations would apply when a judgment was entered in a district court by a

judge and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to Judge Smith’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before March 25, 2022. Any response will be considered by another judge of this court without the participation of Judge Smith.

Judge Smith has directed me to place a copy of this letter in the court’s file in the referenced action.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Harris", with a stylized flourish at the end.

Sharon Harris  
Clerk of Court